IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.208 OF 2006
WITH
CIVIL APPLICATION NO.99 OF 2006

Mukund Iron and Staff Assn. Co-op. Hsg.Soc. Ltd. ..Petitioner.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Sagar Joshi for petitioner.

Mr.A.Y.Sakhare i/b. S.N.Ujjainwalla for respondent No. 3 & 5.

Mr.Deepak Chitnis for respondent No.4.

Mrs. Geeta Mulekar, AGP for State.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 12, 2007.

P.C. :

1. This contempt petition was filed with the assertion that the respondent/contemnor entertained representation of the private party beyond time. While this contempt petition was pending, contemnor took out formal application before the Division Bench of this Court for extension of time to comply with the direction given by the Division Bench of this Court. While dismissing the application on 18th August, 2006, Division Bench of this Court observed that it will be open to the authority to pass final

orders so as to purge the contempt. However, the contemnor was advised by the law officer that till the allegation in the contempt petition were undecided, it would not be appropriate to hasten the matter and pass final order. That position is reinforced from the letter received in writing from the law officer under the cover of letter dated 1st March, 2007. When this contempt petition came up for consideration on the earlier occasion, the Court was keen to know as to why the authority did not take clue from the observation of the Division Bench passed on 18th August, 2006 and decide the matter. Oral submission was made on behalf of the contemnor that no decision was taken in view of the opinion given by the law officer. The contemnor was told that he may proceed to decide representation, which he has decided finally on 22nd February, 2007.

2. In so far as claim of the petitioner that it was not open to the contemnor to entertain belated representation, that, in my view, implicitly stands rejected in view of the observation contained in order dated 18th August, 2006 of the Division Bench of this Court which has noted that it will be open to the authority to pass final order so as to purge contempt.

3. Taking totality of the circumstances into account, it is not necessary to precipitate the matter any further. Hence, this petition is disposed of. Notice issued to contemnor stands discharged.